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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,752	01/07/2002	Deborah A. Dixon	4103/1	3202
29858	7590	04/03/2006	EXAMINER	
BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP 900 THIRD AVENUE NEW YORK, NY 10022			KYLE, CHARLES R	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/041,752

Applicant(s)

DIXON ET AL.

Examiner

Charles Kyle

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It recites the phrase “healthy financial practices”. One of ordinary skill in the art of financial management would not know specifically what constitutes such practices.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Department of Labor and Workforce Development, Unemployment Insurance, hereinafter, *Insurance* in view of US 5,966,693 *Burgess*.

As to Claim 13, discloses the invention substantially as claimed, including in a method for managing a consumer's unemployment risk (Whole Document), the steps of:

receiving funds to fund unemployment insurance (page 2, para. 1);

allocating a first portion of the funds to a defined unemployment insurance vehicle based at least in part on employment data (page 2, para. 2); and

dynamically adjusting the allocation in response at least in part to one or more changes in the employment data (page 2, para3).

Insurance does not specifically disclose additional limitations of allocating a second portion of the funds to a defined savings contribution vehicle and dynamically adjusting the allocation between the first portion and the second portion in response at least in part to one or more changes in the experience data. *Burgess* discloses allocation of funds between an insurance program and savings vehicle at Col. 2, lines 36-67 and allocation between the first portion and the second portion in response at least in part to one or more changes in the experience data at Col. 2, lines 55-67. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of *Insurance* to include the savings aspects of *Burgess* because this would provide a method to for supplying unemployment benefits while also encouraging savings, as disclosed by *Burgess* at Col. 1, lines 19-27.

Regarding Claim 14, *Insurance* discloses payment for eligible living expenses during an unemployment period at page 1, para. 1.

Regarding Claim 15, *Insurance* discloses benefits after involuntary unemployment at para. 1.

As to Claim 16, *Insurance* does not specifically disclose that a component of the insurance policy is an FDIC insured financial instrument. Official Notice is taken that it was old

Art Unit: 3624

and well known to use FDIC insured instruments for investment because of their safety. For instance, Certificates of Deposit in federally insured banks provide a benefit of bearing low risk of loss, given the backing of the United States government. It would have been obvious to one of ordinary skill in the art at the time of the invention to use such instruments to minimize risk of loss to an insured person in the combination of *Insurance* and *Burgess*.

Regarding Claim 17, *Burgess* discloses non-FDIC financial instruments as a component of an insurance policy at Col. 2, lines 36-37.

As to Claim 18, *Burgess* discloses the limitations at Col. 2, lines 36-39.

As to Claim 19, *Burgess* discloses monitoring consumer use of the financial product at Col. 2, lines 36-54; the disclosed calculation of interest on funds borrowed against inherently requires such monitoring and measurement.

As to Claims 20-21, *Burgess* discloses the limitations at Col. 9, lines 54-62.

Regarding Claims 22-23, see the discussion of Claims 18 and 16-17 respectively.

As to Claims 24-28, allocation by the consumer of the remainder portion would have been obvious to allow the insured to optimize the financial benefit from amounts available to invest or provide benefit.

Regarding Claim 29, see the discussion of Claims 1 and 20. The last phrase of Claim 29 equates to providing economic benefit to an insured with favorable claims experience by premium reduction; this is old and well known in the business of insurance.

As to Claim 30, increasing a rate of return on an investment was an old and well known way to provide benefit to an investor, e.g. providing more interest income.

Claims 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Department of Labor and Workforce Development, Unemployment Insurance*, hereinafter, *Insurance* in view of US 5,966,693 *Burgess* and further in view of US 2002/013717 *Ando et al.*

As to Claims 31-32, *Insurance* does not specifically disclose that funds are received on a periodic (monthly) basis to pay for an insurance component. *Ando* discloses this limitation at para. 7. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Insurance* to include the monthly premiums of *Ando* because this would provide predictable payments for the insured and a predictable revenue stream for the issuer of the integrated financial product.

Regarding Claim 33, *Ando* discloses rewarding a customer for proper behavior at para. 17. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Insurance* with this teaching because this would reward customer's for the proper behavior of timely payments.

As to Claim 34, see the discussion of Claims 29 and 33.

Response to Arguments

Applicant's arguments filed March 20, 2006 have been fully considered but they are not persuasive.

The rejection under 35 U.S.C. 101 is withdrawn.

Applicants' argument regarding the rejection under 35 USC 112, 2nd para. is not persuasive. Applicants refer to an Internet search where the phrase "healthy financial practices" was found. Applicants provide no evidence to provide insight as to why one of ordinary skill in

financial arts would clearly know what constitutes “healthy financial practices”. Additionally, such practices would change over time and are thus indefinite.

At pages 7-8, Applicants argue against the combination of references. Applicants argue that *Insurance* discloses a program provided by a governmental entity, but fails to identify any limitation lacking from the reference as cited. *Insurance* clearly demonstrates elements of unemployment insurance; it happens to be provided through a governmental entity, but private unemployment insurance is well known. Applicant appears to argue against the combination by citing differences between the references, but identifies no antagonism between them based on the governmental nature of *Insurance*. Applicants’ argument, if applied to the elements of the claimed invention, would make it also appear unworkable.

The rejections are maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3624

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kyle whose telephone number is (571) 272-6746. The examiner can normally be reached on 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk
March 28, 2006

Primary Examiner
Charles Kyle
Art Unit 3624

